IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

WP(C).No. 33818 of 2007(A)

PETITIONER:

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1. SUNIL KUMAR.S., SUB ENGINEER(ELECTRICAL)
   ELECTRICAL SECTION, K.S.E.B.,
   KUTTIPPURAM, MALAPPURAM DISTRICT.

2. VINODAN K., SUB ENGINEER(ELECTRICAL)
   ELECTRICAL SECTION, K.S.E.B.,
   MELADY, VADAKARA, KOZHIKODE-22.

3. SURESH BABU K.P.,
   SUB ENGINEER, ELECTRICAL(ELECTRICAL),
   110 KV SUB STATION, K.S.E.B.,
   AGASTHIANMOOZHI, MANASSERY P.O.
   KOZHIKODE.

BY ADV. DR.K.P.SATHEESAN
SRI.K.K.GOPINATHAN NAIR
SRI.M.R.JAYAPRASAD
SRI.P.MOHANDAS (ERNAKULAM)

RESPONDENTS:

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1. KERALA STATE ELECTRICITY BOARD
   (K.S.E.B. IN SHORT), REPRESENTED BY ITS
   SECRETARY, VYDYUTHI BHAVAN, PATTOM,
   THIRUVANANTHAPURAM-4.

2. THE CHIEF ENGINEER(H.R.M),
   K.S.E.B., VYDHYUTHI BHAVAN,
   PATTOM, THIRUVANANTHAPURAM-4.

BY GOVERNMENT PLEADER SRI.K.S. ANIL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J

W.P.(C). 33818/2007

Dated this the 16th day of November, 2007

JUDGMENT

The petitioners are Sub Engineers (Electrical) working in the Kerala State Electricity Board. They are diploma holders and are therefore, entitled to promotion to the post of Assistant Engineer in the quota available for the diploma holders as per the Special Rules applicable. The post of Assistant Engineer is to be filled up from among the degree holders, diploma holders and the Certificate holders in the ratio of 3:2:1.

2. According to the learned counsel for the petitioner, as per Special Rules 25% of vacancy, available in the post of category-III Assistant Engineers (Electrical), shall be filled up by direct recruitment and remaining 75%, recruitment by transfer from among Overseer/Draftsman Grade-I in the ration of 3:1. It is further made clear therein that in effecting such promotion, the seniority of a senior diploma holder will not be affected by supersession of the junior certificate holder. The

petitioners contend that junior certificate holders have been promoted as Assistant Engineers and in doing so the proviso as aforementioned has been violated. Specific instance has been pointed out in Exts.P4, P4(a) and P4(b) pending before the second respondent.

3. After having heard the learned Standing Counsel for the Board also, this writ petition is disposed of directing the second respondent to look into Exts.P4, P4 (a) and P4(b) and take appropriate decision thereon within a period of two months from the date of receipt of a copy of this judgment.

V.GIRI
Judge

mrcs